

**Mackerel Committee Report
June 22, 2021
Mr. Kevin Anson – Vice-Chair
Mr. Robin Riechers – Chair**

The Committee adopted the agenda (**Tab C, No. 1**) as written and approved the minutes (**Tab C, No. 2**) of the April 2021 meeting as amended.

Coastal Migratory Pelagics (CMP) Landings Update (Tab C, No. 4)

Ms. Kelli O'Donnell (NMFS Southeast Regional Office) reviewed the recent landings for the Gulf migratory groups of cobia, king mackerel, and Spanish mackerel. Combined (recreational and commercial) 2020 preliminary landings for Gulf Zone cobia are lower than in 2017 – 2019. Florida East Coast (FLEC) Zone cobia commercial landings for 2020 are lower than 2019, and preliminary landings for 2021 are lower than those in 2020 for the same time period. FLEC Zone recreational landings in 2020 fall within the average landings from the years 2017 – 2020. For Gulf king mackerel commercial sector, the Northern Zone has exceeded its quota and a closure will be noticed. Recreational Gulf king mackerel landings follow a similar trend to that of recent fishing years and still remain below the recreational ACL. Preliminary data for the 2020/2021 fishing year suggest lower landings compared to previous years. Spanish mackerel landings for the 2020/2021 fishing year suggest lower landings when compared to 2017 – 2019.

Draft Amendment 32: Modifications to the Gulf of Mexico Migratory Group Cobia Catch Limits, Possession Limits, Size Limits, and Framework Procedure, and South Atlantic Recommendations (Tab C, No. 5)

Council staff presented an updated version of CMP Amendment 32, which examines Gulf migratory group cobia (Gulf Group Cobia) catch limits, possession limits, size limits and modifications to the CMP Framework Procedure. This draft includes revised data analyses pertaining to modifications to the possession limits, and the potential to meet or exceed catch limits under the proposed range of actions and alternatives. Council staff also highlighted the recommendations made by the South Atlantic Fishery Management Council (SAFMC) during its June 2021 meeting.

Action 1 would modify the Gulf Group Cobia catch limits. Both Councils concur on selecting Alternative 2 as preferred. A Committee member inquired about the catch limits that will be put in place at the time of implementation. Given the current schedule of this amendment, it is likely that the catch limits recommended for 2022 and 2023 and subsequent years would be implemented during future rulemaking, if the Councils take final action on CMP Amendment 32.

Action 2 explores the apportionment between the Gulf and FLEC Zones. Both Councils concur on Preferred Alternative 3, which would modify the Zone apportionment to 63% for the Gulf Zone and 37% for the FLEC Zone, and incorporate the transition to the Marine Recreational Information Program's Fishing Effort Survey (MRIP-FES) data currency. At its June 2021 meeting, the SAFMC concurred with the Gulf Council in moving Alternative 4 to considered but rejected.

Action 3 proposes to modify the sector allocations in the FLEC Zone. The Gulf Zone manages its cobia as a single stock; thus, it is not included in this action. At its June 2021 meeting, the SAFMC selected Alternative 3 as preferred, as it is very close to Alternative 4 and it would retain the commercial quota close to the current poundage held by that sector. Under the proposed changes, the commercial sector is not predicted to meet or exceed their annual catch limit (ACL). As this action pertains to the management of cobia within the SAFMC's jurisdiction, the Committee concurred with the SAFMC's preferred alternative.

The Committee recommends and I so move, in **Action 3, to make Alternative 3 the preferred alternative.**

Alternative 3: Retain the FLEC Zone cobia ACL allocation of 8% to the commercial sector and 92% to the recreational sector and update the ACL(s) selected in Action 2 based on MRIP-FES landings.

Motion carried without opposition.

Action 4 explores updating the established annual catch targets (ACT) for the Gulf and FLEC Zones. In the FLEC Zone, only the recreational sector has an ACT. At its June 2021 meeting, the SAFMC selected Alternative 2 as preferred. This alternative proposes that the Gulf Zone and recreational FLEC Zone ACT be calculated using the Gulf Council's ACL/ACT Control Rule. The SAFMC recommended consistency in the way the ACTs are calculated for both Zones. The SAFMC did not select Alternative 3 as a preferred, as the accountability measures for the commercial sector in the FLEC Zone are not tied to an ACT, thus requiring a new action to be included in this amendment. Closure analyses suggest the FLEC Zone commercial sector landings would remain below that sector's ACL. Under Alternative 2, the ACT for the Gulf and recreational FLEC Zone will be 90% of their respective ACLs. Under the current preferred apportionment for the Gulf Zone (i.e., 63% Gulf Zone, 37% FLEC Zone), the ACT is not predicted to be reached. The Committee also selected Alternative 2 as preferred.

The Committee recommends and I so move, in **Action 4, to make Alternative 2 the preferred alternative.**

Alternative 2: Use the Gulf Council's ACL/ACT Control Rule to calculate ACTs for the Gulf Zone and the recreational sector in the FLEC Zone.

Motion carried without opposition.

Action 5 has been split into sub-actions to address changes to possession, vessel, and trip limits by Zone. At its June 2021 meeting, the SAFMC maintained its current preferred alternatives, including reducing the daily possession limit to 1 fish for the commercial sector (Alternative 2, Option 2b). The Gulf Council had deselected this option as a preferred due to the low predicted reduction in cobia harvest by that sector. The SAFMC's preferred alternatives for Action 5.1 (Gulf Zone) match those in Action 5.2 (FLEC Zone) due to the overfishing status of the stock and for consistency in regulations between the Zones, as well as consistency between federal and Florida state waters. The Committee discussed at length the possibility of adopting a less-

conservative alternative for the commercial sector, as the data analyzed (2017 – 2019) do not predict a large reduction in cobia harvest. The Committee also mentioned that there is a benefit in taking a conservative approach since stakeholders have mentioned the decline in opportunity to harvest cobia, and the opportunity to catch this fish might change as the stock recovers.

The Committee recommends, and I so move, in **Action 5.1, to make Alternative 2, Option 2b, the preferred alternative.**

Preferred Alternative 2: Reduce the daily possession limit to 1 fish per person, regardless of the number or duration of trips.

Option 2b: for the commercial sector

Motion carried 6 to 5.

In Action 6, both Councils concur on retaining the 36-inch fork length (FL) minimum size limit in the Gulf Zone, and increasing the size limit in the FLEC Zone from 33 inches FL to 36 inches FL. Council staff reminded the Committee that, at this time, it is difficult to determine with much certainty, the effects of the recent minimum size limit increase to 36 inches FL in the Gulf Zone, as this was just implemented in March 2020.

Action 7 proposes modifications to the language in the CMP Framework Procedure to allow the SAFMC to independently approve certain management measures that affect fishing within its jurisdiction for CMP species. The language included in this draft was modified for clarity based on comments received from both Councils. At its June 2021 meeting, the SAFMC selected the amended Alternative 2 as its preferred alternative. The language in this alternative outlined additional management measures that the SAFMC can address for the management of FLEC Zone cobia via framework amendments. The Committee agreed that the new language reduces confusion in contrast to how it was originally drafted and approved in the April 2021 version of the draft.

The Committee recommends, and I so move, in **Action 7, to make the amended Alternative 2 the preferred alternative.**

Alternative 2: Modify the Framework Procedure to update the responsibilities of each Council for setting regulations for the Gulf Group Cobia. The responsibilities of each Council would be modified as follows:

1. Recommendations with respect to the Atlantic migratory groups of king mackerel, and Spanish mackerel ~~and cobia~~ will be the responsibility of the South Atlantic Council, and those for the Gulf migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the Gulf Council, with the following exceptions:
 - a. The South Atlantic Council will have the responsibility to:
 - set vessel trip limits;
 - closed seasons or areas;
 - gear restrictions;

- per person bag and possession limits;
- size limits;
- in-season and post-season accountability measures;
- specification of ACTs or sector ACTs,

for the east coast of Florida including the Atlantic side of the Florida Keys for Gulf migratory group cobia (i.e., Florida East Coast Zone).

2. Both Councils must concur on recommendations that affect both migratory groups.

Motion carried without opposition.

A public hearing draft of this amendment is scheduled to come to the Gulf Council in August, and to the SAFMC in September 2021. The Council should discuss the need for in-person public hearings and identify a plan at this meeting so that staff can work on logistics.

Draft Amendment 33: Modifications to the Gulf of Mexico Migratory Group King Mackerel Catch Limits and Sector Allocations (Tab C, No. 6)

Council staff presented options for management alternatives included in CMP Amendment 33, which examines modifications to the Gulf migratory group king mackerel (Gulf king mackerel) catch limits and sector allocations. The Committee requested that the IPT revise the purpose and need to include a statement about “achieving OY on a continuing basis.” The Council’s Scientific and Statistical Committee (SSC) recommended revised values for the overfishing limit (OFL) and acceptable biological catch (ABC) for 2021 through 2023 and subsequent years based on the SEDAR 38 Update stock assessment (2020), which found the Gulf king mackerel stock to be healthy as of 2017. However, while the Gulf king mackerel stock is not overfished, the spawning stock biomass (SSB) is below the SSB at maximum sustainable yield (SSB_{MSY}). As such, the recommended catch limits increase from 2021 to 2023.

A Committee member noted that the recreational landings data in the MRIP-FES data currency were approximately twice that of the recreational landings data in the MRIP-CHTS data currency; however, the recommended OFL and ABC levels are only slightly higher than the current catch limits. Staff noted that recruitment for Gulf king mackerel has been lower over the last 10 years, which may be contributing to a somewhat depressed observation of the SSB. Despite this, the current SSB level is less than the SSB_{MSY}, suggesting the stock has been harvested at a level higher than typical, and that if the recreational ACL had been harvested in that time period, that the stock may have been more depressed than presently observed.

A Committee member asked whether the Southeast Area Monitoring and Assessment Program (SEAMAP) groundfish trawl survey was used as proxy for shrimp trawl bycatch. The SEFSC replied that shrimp bycatch data come from shrimp observer coverage (which is approximately 1% of all trips annually), and the SEAMAP groundfish trawl data. In the SEDAR 38 Update assessment, shrimp bycatch was fixed at a median level for 1975 – 2017, a level which is approximately three times higher than estimated in the original SEDAR 38 stock assessment (2014). The increase in the median shrimp bycatch level from the last assessment increased the

estimate of virgin biomass for king mackerel, but had less of an effect on the current SSB when combined with other modifications within the update assessment.

The Committee discussed how sector allocation decisions will be biased by the existing allocations, and how historic underreporting of harvest makes the interpretation of landings data more difficult. A Committee member identified discrepancies in the commercial landings data between the previous stock assessment (SEDAR 38) and the tables in CMP Amendment 33, and asked that clarification be provided to the Committee about this discrepancy at the next Council meeting. Differences in these commercial landings data were stated to average approximately 800,000 lbs per year, which the Committee member noted could be having an effect on the catch limit recommendations. Committee members also expressed concern about the recreational landings data, and noted that the uncertainty in those data has increased with the conversion to MRIP-FES. A Committee member recounted that the Committee started looking at sector allocations a few years ago, which ultimately led to the increase in the recreational bag limit to three fish per day to increase recreational retention opportunities. That increase in the recreational bag limit did not appear to meaningfully increase recreational landings since its implementation in May 2017. An amendment examining an allocation sharing method (CMP Amendment 29), which explored conditionally moving allocation from the recreational sector to the commercial sector, was tabled at the January 2017 Council meeting. The SEFSC commented on an analysis provided to the Council in April 2021, which used MRIP-FES for recreational landings data in SEDAR 38 (2014). This analysis indicated that the acceptable biological catch (ABC) recommendation from the projections would have been about 50% higher than that recommended using MRIP-CHTS data for recreational landings.

The Committee discussed Action 2, which examines sector allocations. The current commercial and recreational sector allocations are based on the average landings from the years 1975 – 1979. This time period predates the existence of a formal, Gulf-wide recreational data collection program (formerly the Marine Recreational Fisheries Statistics Survey [MRFSS]; later, MRIP); as such, landings data from this time period aren't able to be calibrated to MRIP-FES. Staff also noted that unlike other species for which the Council is considering modifying sector allocations, the projected yields for Gulf king mackerel are not dependent on the sector allocations chosen. Staff added that the CMP Advisory Panel (AP) is scheduled to meet in July 2021 to provide advice to the Council about approaches for reallocation. A Committee member expressed a desire to optimize yield, and suggested some redistribution of allocation to the commercial sector as appropriate, noting that some portion of the total ACL is still not being harvested, even when using MRIP-FES. The Committee member asked to see allocation options to shift some or all of the average foregone yield to the commercial sector, using MRIP-FES calibrated recreational landings against the proposed ACLs in Action 1, and use the percentages of ACLs landed to inform allocation changes.

Draft Amendment 34: Atlantic King Mackerel Catch Levels and Management Measures (Tab C, No. 7)

Ms. Christina Wiegand (SAFMC staff) presented the changes being proposed in CMP Amendment 34, which addresses management measures for Atlantic migratory group king mackerel (Atlantic king mackerel). The SEDAR 38 Update (2020) indicated that the Atlantic

king mackerel stock was not overfished and not undergoing overfishing as of 2017. The updated stock assessment incorporated recreational landings and effort estimates using MRIP-FES. The purpose of this amendment is to revise Atlantic king mackerel catch levels, increase the recreational bag limit and possession limit, reduce the minimum size limit, and modify the recreational requirements to land Atlantic king mackerel and Atlantic Spanish mackerel with head and fins intact. Like CMP Amendments 32 and 33, this is a joint plan amendment and both Councils must concur on the preferred alternatives before final action. Since the SAFMC requested modifications to the analyses and alternatives listed in this amendment at its June 2021 meeting, the Committee decided not to select preferred alternatives at this time and wait until those revisions are completed.

Ms. Wiegand noted that historically, the commercial and recreational landings have stayed well below their respective ACLs. Thus, the alternatives included in this amendment define the ACL as optimum yield (OY). In Action 1, the Committee noted the large increase in the proposed ACLs, as they are almost double the current 12.7 million lb ACL. The SAFMC selected Alternative 3 as preferred, which sets the ACL as 95% of the ABC. The SAFMC's Mackerel Cobia AP recommended that the SAFMC set a buffer between ABC and ACL to be conservative, given the large increase proposed in the ABC. A Committee member asked about the definition of OY, and if any economic analyses had been performed to compare the value of the fish between the recreational versus commercial sectors. At this time, those analyses are not available, but may be possible.

Action 2 explores revising sector allocations for Atlantic king mackerel. At its June 2021 meeting, the SAFMC requested an additional alternative be included and selected as preferred. The new alternative proposes an allocation of 37.1% for the commercial sector and 62.2% for the recreational sector. The alternative would retain the current sector allocation, but the ACLs would be updated to incorporate MRIP-FES data currency and the stock ACL selected in Action 1. A Committee member asked about the landing trends for each sector. Ms. Wiegand mentioned that the ACL has not been met for both sectors (i.e., no closures).

Action 3 would revise the recreational ACT for Atlantic king mackerel. The SAFMC will revisit this action at its September 2021 meeting once the analyses are completed based on the preferred alternatives selected by the SAFMC in Actions 1 and 2. A Committee member inquired about the proportional standard error associated with the calculation of the ACT on the various alternatives. Ms. Wiegand noted that those numbers will be provided in the upcoming analysis.

Action 4 proposes an increase to the recreational bag limit and possession limit for Atlantic king mackerel in the exclusive economic zone off east Florida. The SAFMC selected Alternative 2, which will increase the recreational bag limit from two to three fish per person in that area. This alternative was selected to create consistency in the recreational bag limit throughout the species range.

Action 5 proposes a reduction of the minimum size limit for Atlantic king mackerel for both sectors. The purpose of this action is to increase recreational harvest and reduce discards of Atlantic king mackerel. At its June 2021 meeting, the SAFMC requested that this action be split by sector and selected to reduce the recreational minimum size limit to 22 inches FL. Comments

from the Mackerel-Cobia AP indicated that the commercial sector may not be in support of a reduction in the minimum size limit, as this may affect the value of the fish.

Action 6 would modify the recreational requirement for Atlantic king mackerel and Atlantic Spanish mackerel to be landed with heads and fins intact. The purpose of this action is to increase recreational harvest and address increases in shark and barracuda depredation, as noted by the Mackerel-Cobia AP. The commercial sector can already keep damaged fish that comply with the minimum size limit. At this time, no alternatives have been selected as preferred and the SAFMC is considering what conflicts this action may have with regulations in state waters. A Committee member asked if the Law Enforcement AP had raised any concerns regarding this action. Ms. Wiegand mentioned that the Law Enforcement AP had not raised any concerns, but that more feedback is expected from state agencies.

A public hearing draft of this amendment will be presented to the SAFMC at its September 2021 meeting, and if approved, final action may take place in December 2021 or March 2022. An updated version of this document will be presented at the Gulf Council's October 2021 meeting.

Mr. Chair, this concludes my report.